



C.R.P. (PD) .No.4605 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4605 of 2024
and C.M.P.No.25742 of 2024

1.Arulmozhi

2.Abirami

.. Petitioners

Vs.

1.Veeramani

2.Tamilarasi

3.Nesapriya

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decretal order passed by the learned Principal District Munsif Judge, Kallakurichi, in I.A.No.240 of 2023 in O.S.No.180 of 2015 dated 14.06.2024.

For Petitioners : Mr.V.Gunasekar

For R1 : Mr.D.Murugan

ORDER

This Civil Revision Petition arises against the order passed by the



learned Principal District Munsif, Kallakurichi, in I.A.No.240 of 2023 in O.S.No.180 of 2015 dated 14.06.2024.

2.O.S.No.180 of 2015 is a suit for bare injunction presented by the civil revision petitioner against one Veeramani. The case of the plaintiff is that the 1st plaintiff is in possession of the property and the sole defendant Veeramani has no right, title or interest over the same and that he attempted to interfere with the possession. Hence, the plaintiffs have come forth with the suit.

3.In the statement, the defendant submitted that the suit property originally belonged to one Rajagopal. The said Rajagopal died intestate on 08.07.1998, leaving behind his daughters Tamilarasi and Nesapriya as his legal heirs. They succeeded to the estate. He pleaded that he had purchased the property from them by way of a registered sale deed dated 31.07.2014, in Document No.2810 of 2014.

4.Taking cue from this plea, the plaintiff took out an application to implead the said Tamilarasi and Nesapriya. This application was numbered as I.A.No.240 of 2023. Notice was issued. The said application was opposed by



sole defendant. Though the proposed parties have been served, they remained *exparte*.

5.The learned Trial Judge, after considering the affidavit and counter in I.A.No.240 of 2023, came to a conclusion that the proposed parties are neither necessary nor proper parties for the suit. Hence, he dismissed I.A.No.240 of 2023. Against the dismissal of I.A.No.240 of 2023, the present Civil Revision Petition has been preferred by the petitioners / plaintiffs.

6.I heard Mr.V.Gunasekar for civil revision petitioners and Mr.D.Murugan for caveator.

7.Mr.V.Gunasekar leads me to the written statement and pleads that as the defendant is tracing title through Tamilarasi and Nesapriya, they are proper and necessary parties to the proceedings. He, therefore, pleads that the order of the learned Trial Judge needs to be interfered with.

8.Per contra, Mr.D.Murugan states that this is yet another attempt by the plaintiffs to drag on the matter. According to him, the suit is for injunction



and the matter is at the stage of arguments. Hence, the application for impleading was rightly dismissed and the same has to be confirmed in this revision. He points out that the suit has been now listed for judgment and at that juncture, also, the plaintiffs have filed one application after another to drag on the matter. Hence, he prayed for dismissal.

9.I have carefully considered the submissions of Mr.V.Gunasekar and Mr.D.Murugan.

10.The suit is for injunction and the plea of the plaintiffs is that they are in peaceful possession and enjoyment of the suit property and that the same was being interfered by the sole defendant. In a suit for injunction, a Court would see if the plaintiff are in lawful possession of the property. If the plaintiffs prove such possession, they would be entitled for a decree. In a suit of this nature, a Court can incidentally go into the question of title, if the need arises. In such a suit, the only party who allegedly obstructs a person in possession needs to be made as a party. It is not the case of Mr.V.Gunasekar that the proposed defendants are in any way interfering with the rights.

11.For the mere fact that they were the vendors of the sole defendant,



they need not be made a party. In case, the Court comes to a conclusion that the plaintiffs are in possession as pointed out above, they would certainly be entitled for a decree of injunction.

12.In the light of the above discussion, I am not in a position to take a different view than that has been taken by the learned Principal District Munsif, Kallakurichi.

13.In the result, this Civil Revision Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

18.11.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

The Principal District Munsif Judge,
Kallakurichi.

V.LAKSHMINARAYANAN, J.



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